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FREDERICK W. HARDT, CTA
PAMELA A. MOY, NJ & PA BAR
KENNETH D. ROSS, NJ BAR

June 29, 2007

Ms. Courtenay Mercer
Office of Smart Growth
P.O. Box 204
Trenton, NJ 08625

Re: Resolution #2007-5-8 and Memorandum of Understanding

Dear Courtenay:

Enclosed are 3 original Resolutions and Memorandum of Understanding for the Township of Mansfield.

Very truly yours,

FREDERICK W. HARDT

FWH:cs
Enclosures

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NJ DEPT OF
COMMUNITY AFFAIRS
OFFICE OF SMART GROWTH

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

RESOLUTION # 2007-5-8

**A Resolution Authorizing the Mayor and Clerk
to Execute the Attached Memorandum of Understanding**

WHEREAS, the Township of Mansfield desires to enter into a Memorandum of Understanding with the Office of Smart Growth to assist in implementing the Columbus Plan; and

WHEREAS, the tasks that need to be performed as outlined in Exhibit A attached to this Resolution and incorporated within this resolution by reference will take longer than the time periods allowed by administrative rules while an application for plan endorsement is pending necessitating an extension of time; and

WHEREAS by adoption of this Resolution the Township of Mansfield is committing to the implementation of the tasks outlined within Exhibit A as and when indicated.

BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township of Mansfield the Memorandum of Understanding between the Township of Mansfield and the State of New Jersey, Office of Smart Growth which is attached to this Resolution as Exhibit B.


ARTHUR R. PUGLIA, MAYOR

MOTION:
ROLL CALL VOTE:
AYES:
NAYS:


SECOND:

ABSTAIN:

ABSENT:

CERTIFICATION:

I, **Linda Semus**, RMC, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Mansfield Township Committee, County of Burlington, State of New Jersey, at their Regular Meeting held on May 9, 2007, at 7:30 PM at the Municipal Complex.


LINDA SEMUS, RMC
Municipal Clerk

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding, dated May 9, 2007 is hereby entered into by and between the Office of Smart Growth (hereinafter referred to as "OSG") and Mansfield Township, (hereinafter referred to as "petitioning entity") to establish a cooperative process designed to support the efforts of the petitioning entity to receive Plan Endorsement as defined by the State Planning Rules.

WHEREAS, the petitioning entity has submitted a petition for Plan Endorsement to the State Planning Commission and the Office of Smart Growth that has been deemed complete; and

WHEREAS, the State Planning Commission evaluates and approves petitions for Plan Endorsement on the basis of their consistency with the goals, policies and strategies of the State Development and Redevelopment Plan (State Plan); and

WHEREAS, the Office of Smart Growth and the State agencies have conducted a substantive review of the petition; and

WHEREAS, as a result of this substantive review, the Office of Smart Growth and the State agencies have identified areas of concern that need to be addressed before the Office of Smart Growth can make a recommendation to the State Planning Commission that the petition is consistent with the State Plan; and

WHEREAS, in order to evaluate the petition for consistency with the State Plan, the Office of Smart Growth has sent the petitioning entity a letter outlining the areas of concern and requesting additional information within a specified period of time; and

WHEREAS, the petitioning entity has been unable to provide the requested additional information to the Office of Smart Growth and the State agencies for review and evaluation, within the time periods contemplated under the State Planning Rules for evaluation of the petition for Plan Endorsement; and

WHEREAS, properly prepared planning activities require time, must be subject to adequate public input throughout the planning process and should not be unduly rushed due to time constraints; and

WHEREAS, the time periods contemplated by the State Planning Rules for consideration of petitions for plan endorsement do not, in many cases, afford appropriate and sufficient time periods for the completion of such planning activities and consequently may operate to penalize a petitioning entity for not meeting such time requirements; and

WHEREAS, the petitioning entity has stated its desire to undertake the necessary steps required for evaluation of its current planning efforts and to take the necessary actions identified by the Office of Smart Growth, the relevant state agencies and the State Planning Commission for the petitioning entity to receive Plan Endorsement; and

WHEREAS, the time periods contemplated by the State Planning Rules for consideration of petitions for plan endorsement have been established for the benefit of the petitioning entities to provide them with assurance that their petitions for plan endorsement will be considered and evaluated within appropriate time frames, and

WHEREAS, absent an extension of the particular time periods set forth in the State Planning Rules with the concurrence of the petitioning entity and an allowance for the Office of Smart Growth and relevant State agencies to work cooperatively with the petitioning entity, the only viable options are for the Office of Smart Growth to either recommend the petition be found to be inconsistent with the State Plan or seek the petition's withdrawal; and

WHEREAS, in seeking to foster sound planning, it is both preferable and desirable for the Office of Smart Growth to continue to work with the petitioning entity and keep it to continue progressing toward achieving Plan Endorsement; and

WHEREAS, at the State Planning Commission meeting of September 20, 2006, the Office of Smart Growth proposed a mechanism to allow the Office of Smart Growth, the relevant State agencies and the petitioning entity to continue to work towards Plan Endorsement; and

WHEREAS, the State Planning Commission adopted a resolution at its meeting on October 18, 2006 which authorizes the Office of Smart Growth to continue to work with petitioning entities towards Plan Endorsement by allowing for an extension of the time period contemplated by the State Planning Rules through the execution of a Memorandum of Understanding (MOU) and an agreed-upon Action Plan and the establishment of timelines for completion and evaluation of the tasks outlined by the Action Plan; and

WHEREAS, in accordance with this resolution, the petitioning entity, in an effort to continue to work towards Plan Endorsement, may agree to an extension of the time period within which its petition for plan endorsement is to be evaluated under the State Planning Rules and, with approval of the State Planning Commission, accordingly may enter into an agreement with the Office of Smart Growth, memorialized by a Memorandum of Understanding, to continue to work towards Plan Endorsement with the extended time period; and

WHEREAS, the extension of time authorized by the MOU shall be contingent on the petitioning entity's compliance with an approved Action Plan, compliance with this Memorandum of Understanding and the petitioning entity's good faith efforts to progress toward Plan Endorsement, as determined by the Executive Director of the Office of Smart Growth; and

WHEREAS, the agreed-upon Action Plan shall describe specific tasks, establish a timeline for completion of the items in the Action Plan and for evaluation of the petition, and condition the time extension on the continuing active participation of the petitioning entity in the plan endorsement process; and

WHEREAS, the Office of Smart Growth and the State agencies will work with the petitioning entity to develop an acceptable Action Plan with appropriate timelines for the associated tasks; and

WHEREAS, once an agreement is reached regarding timelines within the Action Plan, and the MOU is authorized at a public meeting of the petitioning entity's governing body, the timelines within the Action Plan will become binding, non-negotiable and subject only to further extension for good cause at the discretion of the Executive Director of the Office of Smart Growth; and

WHEREAS, in the event that the petitioning entity fails to meet the timelines agreed to in the Action Plan as determined by the Executive Director of the Office of Smart Growth, the petitioning entity will be deemed to have defaulted in its obligations under the terms of the MOU and the petition for Plan Endorsement will be evaluated for consistency with the State Plan as of the date of such default,


THEREFORE, in recognition of the foregoing, the Office of Smart Growth and the petitioning entity hereby agree as follows:

1. Petitioning entity is granted an extension of time to work with the Office of Smart Growth, to provide necessary documentation of its planning efforts and to resolve issues of consistency with the State Plan and achieve Plan Endorsement. Notice of this extension shall be provided in accordance with the terms of N.J.A.C. 5:85-1.6(b) and will be posted on the Office of Smart Growth's website.
2. Petitioning entity acknowledges the receipt of a letter dated October 16, 2006, from the Office of Smart Growth setting forth all current issues concerning the consistency of the petition with the State Plan and the necessary provisions to be made in order for the petitioning entity to achieve Plan Endorsement.
3. Petitioning entity acknowledges that any extension authorized by an MOU shall be conditioned upon the petitioning entity's compliance with an agreed-upon Action Plan, attached hereto, that describes specific tasks, establishes a timeline for completion of the items in the Action Plan and for evaluation of the petition, and shall further be conditioned upon the continuing active participation of the petitioning entity in the plan endorsement process.
4. Petitioning entity agrees to continue its efforts to achieve Plan Endorsement and acknowledges that its continuation in the Plan Endorsement process shall be contingent upon meeting the timelines set forth in the agreed-upon Action Plan and continued good faith efforts, as determined by the Executive Director of the Office of Smart Growth, to work towards achieving Plan Endorsement.

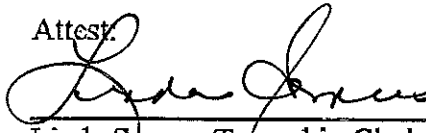
5. All timelines contained in the Action Plan are subject to agreement between the petitioning entity and the interested State agencies. Should the petitioning entity fail to meet the timelines agreed to in the Action Plan, the petitioning entity will be deemed to have defaulted in its obligations under the terms of this memorandum, and the petitioning entity's petition for Plan Endorsement will be evaluated for consistency with the State Plan as of the date of such default, unless the timelines contained in the agreed-upon Action Plan have been extended as provided for in this agreement,
6. The timelines contained in the Action Plan may, for good cause shown, be extended by the Executive Director of the Office of Smart Growth. All extensions and corresponding Action Plans provided to petitioners for Plan Endorsement will be brought to the attention of the State Planning Commission at the next regularly scheduled meeting following the letter of extension. At this meeting, the State Planning Commission will have the opportunity to provide comments and make changes to the Action Plan. All action plans will be posted on the OSG website.

Pursuant to Resolution 2006-04, the terms of this memorandum are hereby agreed to between the Office of Smart Growth and Mansfield Township.


Township of Mansfield


by Arthur Puglia, Mayor

Attest:


Linda Semus, Township Clerk

Date: May 9, 2007


Benjamin Spinelli, Acting Executive Director
Office of Smart Growth


Attest

Date:

**MANSFIELD TOWNSHIP
ACTION PLAN**

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
A1	State Plan Policy Map	The Township shall work with state agencies to delineate center boundaries that avoid or minimize conflicts with sensitive resources, in particular the Category 1 stream in the southwest portion of the Columbus center and the wetlands in the northeast section of the Columbus center. Where environmentally sensitive areas cannot be removed from the Center, the Township shall pass ordinances that adequately protect the environs.	Center boundaries	45 days	30 days
A2	State Plan Policy Map	The Township shall work with OSG and relevant State Agencies to revise boundaries for Planning Areas and Critical Environmental Sites to account for existing environmental and agricultural resources.	Planning area and CES boundaries	30 days	30 days
B1	Vision Document	The Township shall prepare a document that describes in detail the Vision of the community, and establishes steps to achieve said vision.	Vision document	225 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
B2	Vision Document	The Vision Document shall establish an Action Plan for the revision of the Master Plan Land Use Element to reflect the growth management strategies delineated in the Vision Document. This document shall serve as an input for related PIA items.	Vision document	225 days	30 days
B3	Vision Document	The Draft Vision Document shall be reviewed and approved by the OSG prior to its adoption. After approval of OSG, but prior to adoption, the Township shall hold a public hearing on the Vision Document. The OSG shall be invited to the hearing, and the minutes of the same shall be submitted as part of the Petition Report up-date.	Vision document & public hearing	225 days	30 days
B4	Vision Document	Further items that shall be included in the Vision Document are delineated under the various subject matters as noted below.	Vision document	225 days	30 days
C1	Center Designation	The Township shall describe in detail how the proposed Center meets the State Plan criteria for a designated center, and provide an explanation and justification where there are discrepancies between the Township's proposal and the State Plan criteria.	Vision document	225 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
C2	Center Designation	The Township shall further clarify what types of development are proposed for the Center.	Vision document	225 days	30 days
C3	Center Designation	The Township shall prepare preliminary concepts for the Center to identify areas of focused development/redevelopment and to recommend implementation strategies. This document shall serve as an input for related PIA items.	Vision document	60 days	30 days
C4	Center Designation	The Township shall provide a design framework for the Center, and demonstrate what steps will be taken to establish design principles for center-based development. This document shall serve as an input for related PIA items.	Vision document	225 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
C5	Center Designation	The Township shall prepare a circulation framework for the Center that demonstrates enhanced connectivity in order to reduce vehicular trips and direct access on major arterials within the Center. The circulation framework shall graphically show and describe in narrative form how improvements could be made to provide for a pedestrian-friendly environment, as well as provide pedestrian and bicycle linkages between the area proposed for the new municipal complex and the core area of development within the proposed center. This document shall serve as an input for related PIA items.	Vision document & maps	60 days	30 days
D1	Affordable Housing	The Township shall provide justification that the Center is sufficient to accommodate prior-round affordable housing obligations and future growth share.	Petition up-date narrative	265 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
D2	Affordable Housing	The Township shall provide the OSG with its Draft Fair Share Plan, and demonstrate in narrative form that the Master Plan, Plan Endorsement Petition and the Draft Fair Share Plan are generally consistent with each other in terms of where development will be focused and how much growth will be accommodated. The Draft Fair Share Plan will incorporate relevant agreements and information arising from Plan Endorsement negotiations taking place through this Action Plan. This document shall serve as an input for related PIA items.	Draft fair share plan & petition up-date narrative	265 days	30 days
F1	Transfer of Development Rights (TDR)	The Township shall prepare a more detailed TDR proposal that includes an Action Plan for implementation. This document shall serve as an input for related PIA items.	Petition up-date narrative	150 days	30 days
F2	Transfer of Development Rights (TDR)	The Township shall clearly delineate the TDR sending zones, credit allocation criteria and provide a realistic estimate of total potential sending zone credits to be accommodated in the receiving zone based on said credit allocation criteria.	Petition up-date narrative	150 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
F3	Transfer of Development Rights (TDR)	The Township shall clearly delineate TDR receiving areas and demonstrate that the receiving areas can realistically and reasonably accommodate all sending zone credits.	Petition up-date narrative	150 days	30 days
F4	Transfer of Development Rights (TDR)	The Township shall explain in detail what incentives will be utilized to encourage the transfer of development rights from the sending zone to the receiving zone, and that said incentives garner a realistic and reasonable expectation that the TDR program will be feasible and successful. The Township shall also demonstrate that the receiving zone has the capacity to accommodate all sending zone credits, given the proposed incentive program.	Petition up-date narrative	150 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
F5	Transfer of Development Rights (TDR)	The Township shall apply for the State TDR Bank Board Planning Assistance Grant to help fund the planning necessary to adopt a TDR program, and shall demonstrate that additional funding is in place from other sources in order to complete the TDR plan documents and ordinances. Please note that an adopted Farmland Preservation Plan is required before the State TDR Bank Board will release funds related to the TDR Planning Assistance Grant. The Township should begin work on said Plan as soon as practicably possible, and shall establish an Action Plan for the completion of this task as part of its Petition up-date.	Petition up-date narrative	30 days	30 days
G1	Agriculture Retention	The Township shall prepare a narrative and Action Plan demonstrating how it will achieve significant retention of agricultural lands through preservation, TDR and other measures. This document shall serve as an input for related PIA items.	Vision document	150 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
H1	Threatened & Endangered Species Habitat	The Township shall work with DEP on strategies to protect the habitat of threatened and endangered species. This information will be part of discussion in making any adjustments to center boundaries and planning areas, and recommended implementation strategies shall be included in the Vision Document. This document shall serve as an input for related PIA items.	Petition up-date narrative & map(s)	45 days	30 days
I1	Open Space	The Township shall provide a statement and map(s) identifying on a preliminary basis high-priority areas for open space and resource protection, and recreational opportunities and outlining possible strategies for implementation. This document shall serve as an input for related PIA items.	Petition up-date narrative & map(s)	150 days	30 days
J1	Water Supply	The Township shall work with DEP to determine water supply capacity, and justify that capacity is available to accommodate the growth proposed for the municipality. Growth area boundaries, projections and implementing planning and zoning laws shall be adjusted to correlate to water supply capacity as necessary. This document shall serve as an input for related PIA items.	Petition up-date narrative	180 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
J2	Sewer Service	The Township shall work with DEP to determine sewer treatment capacity, and justify that capacity is available to accommodate the growth proposed for the municipality. Growth area boundaries, projections and implementing planning and zoning laws shall be adjusted to correlate to sewer treatment capacity as necessary. This document shall serve as an input for related PIA items.	Petition up-date narrative	180 days	30 days
H1	Petition Report Update	Elements of the Petition Report will be accurately updated based on the fulfillment of this action plan. These elements may include but are not limited to: consistency with State Plan goals and policies, PIA, population projections, center delineation criteria, references to new documents.	Petition report	225 days	30 days
H2	Petition Report Update	The Township shall improve the Statement of Planning Coordination section to discuss how future center-based development, infrastructure & capacity, and environmental protection will be coordinated with adjacent municipalities. This section shall also address cross-border issues such as development impacts and potential for shared services.	Petition up-date narrative	225 days	30 days

Item No.	Subject	Action Item	Deliverable	Municipal Submission Timetable	Agency Review Timetable (Days from Municipal Submission)
H3	Petition Report Update	Due to the extent of change involved to make the petition consistent with the State Plan, the Township shall provide detail of public participation for the various action items, and in the end pass a resolution supporting the revised petition.	Petition report	255 days	30 days